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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,276	03/12/2001	Gisela Uhlemann	DEN300	7480

7590 06/09/2004
Thomas S. Baker, Jr.
1371 West 3rd Avenue
Columbus, OH 43212

EXAMINER

BEHULU, ALEMAYEHU

ART UNIT	PAPER NUMBER
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2682

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DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,276

Applicant(s)

UHLEMANN, GISELA

Examiner

Alemayehu Behulu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siroia (U.S. Patent No. 6,661,404) in view of Isashi (U.S. Patent No. 5,719,799).

Regarding claim 6, Siroia discloses mobile communication device comprising a first housing component (figure 2, number 9) having front and back sides with a first keyboard arranged at the front side for entering communication numbers (figure 2, number 11b) and a second housing having front and back sides (figure 2, number 7) with a second keyboard arranged in the front side of the second housing component (figure 2, number 11a), where the second housing component is connected mechanically by means of hinge (figure 2, number 8), to the first housing component, whereby the first and second keyboards can be arranged in a single plane by folding out the second housing component (figure 2, numbers 11a, 11b), that the keyboards are so arranged in the respective front sides of the first and second housing components that.

However, Siroia fails to disclose when the second housing is folded back, the second housing component back side is on the back side of the first housing such that the second keyboard faces away from the first keyboard. But, Isashi discloses when the second housing is folded back; the second housing component back side is on the back side of the first housing such that the second

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keyboard faces away from the first keyboard (figure 2, column 2, lines 16-34, column 17, lines 66-column 18, lines 16). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Siroia (U.S. Patent No. 6,661,404) with Isashi (U.S. Patent No. 5,719,799) so that the device is compact enough for transporting at the same time adds features such as data entering capability (as suggested by Isashi, column 1, lines 10-30).

Regarding claim 7, the combination of Siroia and Isashi disclose mobile communication device according to claim 6, that after opening the keypads are arranged side by side (see Siroia figure 2, numbers 11a and 11b).

Regarding claims 8 and 9, the combination of Siroia and Isashi disclose mobile communication device according to claims 6 and 7 respectively, that at least the second keyboard comprises a keyboard including a film keyboard, a push button keyboard and/or a touch screen display keyboard (see Isashi figure 1A, number 2).

2. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siroia (U.S. Patent No. 6,661,404) and Isashi (U.S. Patent No. 5,719,799) as applied to claim 6 above, and further in view of Mack (U.S. Patent No. 6,510,325).

Regarding claims 10-12, the combination of Siroia and Isashi disclose mobile communication device according to claim 6. However, Siroia and Isashi fail to disclose several touch screen display pages are arranged aside the second keyboard and can be swiveled by means of hinges.

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But, Mack discloses several touch screen display pages are arranged aside the second keyboard (figure 3B, numbers 12, 43, 9, 20 11) and can be swiveled by means of hinges (figure 3B, numbers 14, 13). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Siroia (U.S. Patent No. 6,661,404) and Isashi (U.S. Patent No. 5,719,799) with Mack (U.S. Patent No. 6, 510, 325) so that the device is compact to carry around and security feature is added for the user and the device itself while doing outdoor activities (as suggested by Mack column 1, lines 39-column 2, lines 27).

Regarding claims 13-16, the combination of Siroia, Isashi and Mack disclose mobile communication device according to claim 6, that the second keyboard, when it is opened or closed, respectively, is connected to or disconnected from the front side keyboard by means of contact (see Mack column 7, lines 5-34).

Response to Arguments

3. Applicant's arguments with respect to claims 6-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Collins (U.S. Patent No. Des. 398,307) Mobile Telephone and Organizer

Ogawa (U.S. Patent No. 5,991,644) Folding Portable Communications Device


Kim (U.S. Patent No. 6,262,785) Portable Display Device Having an Expandable Screen

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828. The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


6-1-04

NGUYEN T. VO
PRIMARY EXAMINER